



**Report of the Leader on Decisions taken by Executive Members and the Joint Strategic Committee since the last meeting of Council**

**A Decisions Taken by Executive Members**

Listed below is a summary of decisions taken by Executive Members since the despatch of the agenda for the last Ordinary Council Meeting. Full details can be found on the Executive Members and Portfolios, Reports and Decisions webpage

<http://www.adur-worthing.gov.uk/meetings-and-decisions/committees/worthing/cabinet-member-decisions/>

**Leader**

JAW/023/18-19 Renewal of Google Contract

**Executive Member for Regeneration**

JAW/021/18-19 Pier and Lido Sub-structure Maintenance Contract

JAW/022/18-19 Updated Adur & Worthing Statement of Community Involvement - Draft for Consultation

**Executive Member for Resources**

JAW/017/18-19 Irrecoverable Debts

**Executive Member for Customer Services**

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**Executive Member for Digital and Environmental Services**

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**Executive Member for Health and Wellbeing**

JAW/020/18-19 Air Quality Management Area

## **B. Decisions taken by the Joint Strategic Committee on 5 March 2019**

*Items related to Adur District Council are not reproduced on this agenda.*

Full details can be found at:

The matters not appearing elsewhere on the agenda:-

### **JSC/096/18-19 3rd Quarter Revenue Budget Monitoring 2018/19**

The report updated the Joint Strategic Committee with the latest expenditure and income projections for each Council in the current financial year 2018/19, compared with the Revenue Budget approved by both Councils in February.

Whilst the 'spend to date' would be the position as at the 31 December 2018, the forecast position would reflect the latest information available to ensure an up-to-date forecast was presented.

Members asked whether the projected surplus in Adur car park income could be used to fund street scene work or refurbish the car parks. Officers advised that it would be possible once the final position was known for the year end and that any proposal for carry forward would come before the Committee for approval.

A Member also clarified that the surface car park at Teville Gate would open in April 2019.

#### **Decision:**

The Joint Strategic Committee noted the report and projected outturn position for the Joint Committee, Adur District Council and Worthing Borough Council against the approved revenue budgets and proposed use of reserves as set out in Appendices 1b and 2b.

### **JSC/097/18-19 3rd Quarter Capital Investment Programme & Projects Monitoring 2018/19**

The report updated the Joint Strategic Committee on the progress made on the 2018/19 Capital Investment Programmes for Adur District Council, Worthing Borough Council. The programmes included schemes which supported the delivery of services by the Joint Strategic Committee.

The Committee considered the replacement railings for the East Beach Walkway and the replacement of the Councils Financial Management System.

A Member requested an update regarding the Phase II South development of the Civic Centre Site and the associated levels of social housing provision proposed.

Officers advised that a report would be presented to the June meeting of the Joint Strategic Committee dependent on the interest received for the site.

## **Decision,**

The Joint Strategic Committee:-

- (a) with respect to the Capital Investment Programme of Adur District Council
  - i) noted the reprofiling of the Adur District Council capital schemes as advised in paragraphs 8.1.1 and Appendix 3;
  - ii) noted the additional award of £69,038 for the Better Care Grant for Disabled Facilities Grants and the amendment to the 2018/19 Capital Investment Programme to increase the budget in line with anticipated expenditure funded from Better Care Grant as detailed in paragraph 8.1.2 (i).
  
- (b) **with respect to the Capital Investment Programme of Worthing Borough Council**
  - i) **noted the reprofiling of the Worthing Borough Council capital schemes as advised in paragraphs 8.2.1 and Appendix 4;**
  - ii) **noted the additional award of £138,075 Better Care Grant for Disabled Facilities Grants and the amendment to the 2018/19 Capital Investment Programme to increase the budget in line with anticipated expenditure funded from Better Care Grant as detailed in paragraph 8.2.2 (i);**
  - iii) **approved the carry forward of £50,000 from the overall 2018/19 Capital Investment Programme underspends to fund the anticipated shortfall in funding for the Highdown Gardens Infrastructure Scheme as detailed in paragraph 8.2.2 (ii);**
  - iv) **approved the funding of £44,800 for the East Beach Walkway replacement of railings funded from the overall 2018/19 Capital Investment Programme underspends and the inclusion of the scheme in the 2018/19 Capital Investment Programme as detailed in paragraph 8.2.2 (iii).**

**JSC/099/18-19 easitADUR&WORTHING - transport discount scheme**

The report updated members on progress with establishing 'easitADUR&WORTHING', the transport discount scheme for businesses and their staff working in Adur and Worthing.

easitADUR&WORTHING had been setup to help local businesses and council staff adopt sustainable transport behaviours, easing congestion, reducing pollution, and increasing staff satisfaction.

A Member sought clarification regarding the projected percentage of employers / number of employees who would be signed up by the end of the financial year. Officers advised that over 5,000 staff had already signed up, which had exceeded the targets set.

The Committee expressed support for the proposals and welcomed the news that a number of large employers were getting involved with the project.

**Resolved,**

That the Joint Strategic Committee approved the proposed continuation of the easitADUR&WORTHING transport discount scheme.

**JSC/100/18-19 Investing in Domestic Abuse support and increasing physical activity**

The report informed the Committee about a successful external funding bid, to provide support for our communities in relation to Domestic Abuse and an opportunity to work with our partners to co-invest in a new innovative programme that built intergenerational activity in our communities.

The Committee was asked to approve the amendment of the budget to allow this funding to be accepted and authority to spend.

Members expressed their support for the work proposed and congratulated the team on their successful bidding for the additional resources.

**Resolved,**

The Joint Strategic Committee:-

- (i) approved the amendment of the budgets to include the supporting victims of Domestic Abuse projects funded by the Ministry of Housing, Communities and Local Government (MHCLG) (£303,268 in 18/19 and £99,838 in 19/20);
- (ii) approved an amendment of the budgets of £144,000 for Beat the Street which was part funded by the Councils (£35,000) and with additional funding of £109,000 from other partners including West Sussex County Council and Arun District Council; and
- (iii) delegated authority to the Director for Communities to let any contracts

associated with these projects.

### **JSC/101/18-19 Waste & Street Cleansing Vehicle Replacements**

The report sought consent to proceed with the purchase of waste and street cleansing vehicles, the budget for which, was included in the 2018/19 Capital Investment Programme.

It was noted that an options appraisal had been carried out and that capital borrowing was identified as the best option for financing the purchases. Members sought clarification regarding the value of commercial vehicles at end of life and what the Councils were doing to ensure that the environmental impact of the fleet was minimised. Officers advised that the Council sent old vehicles to trade auctions to obtain best value and were talking to manufacturers and exploring all alternative options in regards to alternative fuels for the fleet.

#### **Decision:-**

The Joint Strategic Committee approved the acquisition of the waste and street cleansing vehicles included in the 2018/19 Capital Investment Programmes as detailed in the report.

### **JSC/102/18-19 The Future of Public Spaces Protection Orders for Dogs**

Members were informed that on 18 December 2019, two Public Space Protection Orders (PSPO) for Dogs would expire.

The Committee noted that the orders could be extended or amended for a further 3 years if certain conditions were met.

The report outlined the conditions for extending or amending the orders, the process and the timeline that needed to be followed if members wished to extend or amend the orders and recommendations as to next steps.

Officers advised the committee of some amendments to the recommendations to reflect the consultation timeline outlined in paragraph 3.9 of the report.

The Committee discussed the issue of dog fouling and the number of complaints received in relation to it. The need to mobilise responsible dog owners was raised as was the need to educate.

A Member questioned whether increasing fines would make any difference as only 1 fine had been issued in the past 12 months and suggested that the lack of fines was due to a lack of enforcement.

Another Member stated that the in house team was doing a good job and, in his

opinion, that was the right way to go. It was suggested that the level of fines was probably set too low in the first place as they didn't cover the cost of the process.

### **Decision:-**

The Joint Strategic Committee:-

1. approved in principle, the proposed amendments to the orders outlined in paragraphs 4.5 and 4.8 of the report;
2. approved the undertaking of a public consultation survey as outlined in paragraphs 3.8 and 3.9 of the report; and
3. requested that a further report be brought to JSC in September 2019 with the results of the public consultation and options for consideration.

### **JSC/103/18-19      Worthing Theatres & Museum - The Future of Culture for Worthing**

The report updated the Committee on the outcome of the procurement exercise for the provision of cultural services and the award of the contract to the successful bidder.

Members acknowledged the importance of the cultural offer to the town of Worthing both culturally and financially and the significant work that had been put into the in house bid. It was noted that the Councils had already established successful Leisure Trusts and this was a great opportunity to do something really special for Worthing.

A Member sought clarification regarding a provision in the current proposal where there was a condition enabling the modification of the contract in relation to modifying services by adding or removing whole facilities. This condition seemed to allow the trust to remove any unprofitable parts of cultural services. Officers advised that the trust could not remove parts of the cultural service unilaterally. This could only be achieved theoretically through consultation and agreement with Worthing Borough Council. The wording of the contract was designed to allow all options to be considered whilst enabling the Council to retain contractual control.

A Member sought clarification regarding the protection of staff's terms and conditions and the measures being put in place to protect staff. In addition, would future losses be absorbed by the Council. Officers advised that this was not an in house trust, it was an in house bid to establish a trust and staff would transfer with full TUPE rights. In relation to future profits or losses, the trust would be operating in a commercial environment and the Council would be incentivising the team to make profit.

The Committee thanked Officers for all of their work and expressed their support for the proposals.

### **Decision:-**

The Joint Strategic Committee:-

1. resolved to delegate Worthing Borough Council's Executive function of Cultural Services to an Independent Trust;
2. supported the creation of a new Independent Trust for the delivery of Cultural Services and delegated the authority to establish the Trust vehicle to the Director for the Economy, subject to compliance with the relevant governance, legal and financial advice;
3. approved the award of the Cultural Services contract to the Council's in house team, and delegated authority to the Director for the Economy to approve and execute the contract with the newly formed Trust, subject to an agreed contract consistent with the provisions of this report;
4. resolved to transfer the employment contracts of relevant Council Officers to the Independent Trust and delegated authority to the Director of Digital and Resources to make necessary arrangements.

### **JSC/104/18-19      Delivering our Sports and Activity Strategy - Opportunities for Worthing Leisure Site**

The report updated the Committee on progress to develop a Sports and Activity Strategy for Adur and Worthing, setting out the Strategic Case for investment in the development of a detailed feasibility study and accompanying business case for the redevelopment of the Worthing Leisure Centre site.

The report contained a number of recommendations which supported the development of an overarching Sports and Activity Strategy that,

- helped to inform the emerging Worthing Local Plan;
- would help to inform a Sport and Leisure Asset and Capital Strategy to ensure the best long term plans for Council owned sites reviewing capital investment and an options appraisal of funding strategies;
- enabled the Councils to apply for Sport and Leisure related grants e.g. from Sport England, Football Foundation and the Football Association; and
- developed a site specific proposal for Worthing Leisure Centre.

The Committee considered the use of space on the Worthing Leisure Centre site and the potential inclusion of a new pool in any future proposals.

Members welcomed the proposals, acknowledging the pressures that an increasing population placed on existing leisure facilities.

**Decision:-**

The Joint Strategic Committee:-

- 1.1. noted that the Director for Communities would lead the development of a Sport and Activity Strategy. This work would be coordinated by an officer group called the Sports and Activity Panel with representation from both Adur and Worthing including the two Leisure Trusts, led by the Director for Communities;
- 1.2. agreed to appoint a master-planner for the Worthing Leisure centre site to develop a range of options for consultation as to how the site could be developed, to include leisure use, public open space and housing;
- 1.3. agreed to the preparation of a detailed feasibility study and business case for the redevelopment of the Worthing Leisure Centre, informed by those options developed by the masterplan;
- 1.4. noted the allocation of up to £150,000 from the Major Projects revenue budget in the 2019/20 financial year for the preparation of the detailed feasibility study and accompanying business case to support the proposal outlined in recommendation 2.3;
- 1.5. delegated authority to the Director for Communities to award any contract required to carry out the above recommendations in consultation with procurement and legal services;
- 1.6. requested a report back on the feasibility study and business case for the Worthing Leisure site which detailed the options available and the release of any associated funding.

**JSC/105/18-19      Development of a Natural Burial Area**

The Committee was advised that in order for Bereavement Services to continue to meet the religious and environmental wishes of its community and maintain its high quality offer to families throughout the local geographical area, it needed to diversify.

It was proposed delivering this objective by offering a natural burial area adjacent to Worthing Crematorium, in the South Downs National Park.

The report sought authority to enter into an exclusivity agreement with the landowner for the conditional contract sale of 10.32 hectares (25.52 acres) of agricultural land adjacent to Worthing Crematorium, with the ultimate aim of converting this to be a natural burial area.

It also outlined the comprehensive due diligence that had taken place to date and the next steps that needed to be satisfactorily completed before the land could be purchased at the agreed price.

Members acknowledged the importance of the issue and expressed their support for the proposals.

### **Decision:-**

The Joint Strategic Committee:-

- i) approved the Council entering into an exclusivity agreement with the Seller to enable the Council to: carry out due diligence on the proposed purchase; investigate the particular planning and environmental issues arising from the proposed use; and prepare a conditional contract for sale with the landholder to purchase the land shown in Appendix 1 for the agreed price for development as a natural burial area subject to Worthing Borough Council obtaining:
  - Satisfactory environmental impact assessment results
  - Planning permission being granted from the South Downs National Park for change of use to a natural burial area
- ii) agreed to release £100k from the Worthing Borough Council capacity issues reserve to carry out the due diligence, investigate planning issues and to fund the environmental studies;
- iii) noted that once the environmental studies had been concluded, that a further report would be prepared outlining the next steps and seeking approval for a new capital scheme to be added to the capital programme to purchase and lay out the land as a natural burial site.

### **C. Decisions taken by the Joint Strategic Committee on 2 April 2019**

*Items related to Adur District Council are not reproduced on this agenda.*

Full details can be found:

The matters not appearing elsewhere on the agenda:-

**JSC/111/18-19 Brighton Marina to River Adur Coast Protection Scheme**

The report provided an update to Members on the progress made in respect to the Brighton Marina to River Adur Coastal Protection scheme and sought delegated authority and agreement to proceed with the further development of the project by entering into a Memorandum of Understanding with other partner authorities.

**Decision,**

The Joint Strategic Committee:-

- i) delegated to the Director for Digital and Resources, in consultation with the Solicitor to the Council, the authority to review, approve and sign a Memorandum of Understanding with other partner authorities; and
- ii) note that a further report would be presented to the Joint Strategic Committee, outlining the full financial implications of the scheme and detailing the contribution required by Adur District Council.

**JSC/112/18-19 Worthing Community Infrastructure Levy - Governance and Procedural Matters**

Worthing Borough Council had introduced a Community Infrastructure Levy (CIL) to allow funds to be raised from developers to pay for infrastructure that was needed to support growth.

The Council adopted the Charging Schedule for CIL in February 2015 and implementation of the levy commenced in October 2015. The Council had overarching responsibility for the allocation of CIL monies and reporting the amount of money collected and spent.

The report provided an update on progress made by the Joint Officer and Member Board (JOMB) for CIL Governance and,

- formalised a number of recommendations made by JOMB;
- provided an update on the level of CIL funding collected and,
- set out the future work programme and timetable for the adoption of the Infrastructure Business Plan which would set out priorities for the use of CIL.

The Committee welcomed the report, acknowledging the importance of delivering long lasting infrastructure in Worthing.

A Member sought clarification regarding access to neighbourhood funding from adjacent wards to a development. Officers advised that this had been considered by the Joint Officer and Member Board and that joint bids by neighbouring wards could be made, up to a maximum of £25,000.

## **Decision,**

The Joint Strategic Committee:-

1. noted the progress made by the Joint Officer and Member Board in relation to governance arrangements for overseeing the Community Infrastructure Levy (CIL);
2. agreed to the 'top slicing' of 87.5% of the CIL strategic pot to be used for Worthing Borough Council and West Sussex County Council projects (to be taken from the Strategic Pot). This equated to 70% of the overall funds available;
3. agreed to the proposal from JOMB that bids for funding from the Neighbourhood Pot should not be considered unless at least £10,000 had been accumulated and that there should be an annual bidding process;
4. delegated the decision on bids for the Neighbourhood Pot to the Executive Member for Regeneration (capped at a maximum of £25,000);
5. noted the revised timeline for the preparation of the Infrastructure Business Plan which would be helped to inform the prioritisation of infrastructure projects;
6. noted that administration costs of £48,800 would be required per year, that this would be funded from within existing budgets and from CIL contributions, and agreed to amend the budgets accordingly.

## **D. Urgent Decisions taken by the Executive**

Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended). The following is reported to Council:

JAW/023/18-19 Renewal of Google Contract

### **Local Government Act 1972**

#### **Background papers**

Reports and decisions are available on the Council's web site [www.adur-worthing.gov.uk](http://www.adur-worthing.gov.uk) or as indicated in each of the paragraphs above. Some of the reports contain exempt information and not fully published on the websites.

Councillor Daniel Humphreys  
Leader of the Council